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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029



JUL 19 2002

<u>VIA FEDERAL EXPRESS AND</u> FIRST CLASS MAIL

Barbara Shapiro 3809 Cocoplum Circle Coconut Creek, FL 33063

Re:

Required Submission of Information
Lower Darby Creek Area Superfund Site
Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex

Dear Ms. Shapiro:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill, and Folcroft Landfill Annex portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site") (see Enclosure F for a list of Ouestions).

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA believes that you, as the daughter of Edward I. Heller, and the beneficiary of his Estate, might possess information which may assist the Agency in its investigation of the Site.

EPA requires that you respond in writing fully and completely to the following items within fifteen (15) calendar days of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.



All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Gwen Pospisil of EPA's Office of Regional Counsel at (215) 814-2678. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures:

Enclosure A: Lower Darby Creek Area Site Map

Enclosure B: Business Confidentiality Claims/Disclosure of Your

Response to EPA Contractors and Grantees

Enclosure C: List of Contractors that May Review Your Response

Enclosure D: Definitions
Enclosure E: Instructions
Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel

Ms. Gwen Pospisil (3RC44) EPA Region III, Office of Regional Counsel

Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager

Mr. Craig Olewiler Pennsylvania Department of Environmental Protection

Ms. April Flipse Pennsylvania Department of Environmental Protection

OR MAN

Enclosure A





Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.



Enclosure C

List of Contractors that May Review Your Response

- Daston Corporation Contract #68-S3-01-01
 Subcontractor to Daston Corporation is:
 Dynamac Corporation
- Tetra Tech EM, Inc. Contract #68-S3-0002
 Subcontractor to Tetra Tech EM, Inc. is
 Eagle Instruments, Inc.
- Ecology and Environment, Inc. Contract #68-S3-001
 Subcontractor to Ecology and
 Environment, Inc. is:

 S & S Engineers, Inc.
- Resource Applications, Inc. Contract #68-S3-003
 Subcontracts to Resource Applications,
 Inc. are:
 C.C. Johnson & Malhotra, Inc.
 Scientific & Environment Associates,
 Inc.
 Environmental Quality Management,
 Inc.
- IT Corporation Contract #68-S#-00-06
 Subcontracts to IT Corporation are:
 Weavertown Environmental Group
 Environmental Restoration Company
- Earth Tech, Inc. Contract #68-S3-00-07
 Subcontractors to Earth Tech, Inc. are:

 Industrial Marine Services, Inc.
 Cline Oil
 Hertz Equipment Rental
- Guardian Environmental Services, Inc. Contract #68-S3-99-04
- ECG Industries, Inc. Contract #68-S3-99-05
 Subcontractor to ECG Industries, Inc. is:
 Earth Tech, Inc.

- Industrial Marine Services, Inc. Contract #68-S3-99-06
 Subcontractors to Industrial Marine
 Services, Inc. are:
 Earth Tech, Inc.
 Engineering and Environment, Inc.
- Tetra Tech NUS, Inc. Contract #68-S6-3003
 Subcontractors to Tetra Tech NUS, Inc.
 are:
 Gannett Flemming, Inc.
 Dynamac Corporation
 C.C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation Contract #68-S7-3003
 Subcontractors to CDM-Federal
 Programs Corporation are:
 Tetra Tech EM, Inc.
 Robert Kimball & Associates
 PMA & Associates
 Horne Engineering
 Pacific Environmental Services
- Black and Veatch Waste Science and Technology Corporation/Tetra Tech, Inc. Contract #68-S7-3002
- Universe Technologies Contract #68-S3-99-02
- Tech Law, Inc.- Contract #68-W-00-108
 Subcontractor to Tech Law, Inc. is:
 Gannett Flemming, Inc.

List of Cooperative Agreements

- National Association of Hispanic Elderly
 #CQ-822511
- AARP Foundation (Senior Environmental Employment)
 -#824021, #823952



Enclosure D

Definitions

- The term "<u>arrangement</u>" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release



into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

Instructions

- 1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
- 2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
- 3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
- 4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
- 5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.



Enclosure F

OUESTIONS

The following questions relate to the real property owned by the Clearview Land Development Company, and located near 84th Street between Darby Creek and Lindbergh Blvd. in Darby Township, Pennsylvania. The subject property (copies of deeds enclosed) formerly operated as an unpermitted industrial waste landfill (the Clearview Landfill, a/k/a Heller's Dump) from the mid-1950's through 1976.

- 1. Have you ever been, for any duration, listed or named as an officer or stockholder of the Clearview Land Development Company, a Pennsylvania Corporation (see enclosed information from the Pennsylvania Secretary of State)?
- 2. Have you ever participated in the operation or management of the Clearview Land Development Company? Please describe in detail the years of such participation and the specific nature of your involvement with the company.
- 3. Subsequent to the deaths of your father, Edward I. Heller, and your mother, Ethel Heller, did you, or will you, inherit or in any way receive an ownership or other interest in the Clearview Land Development Company or in the subject property owned by that company?
- 4. Who are the current listed shareholders and officers of the Clearview Land Development Company?
- 5. Are you currently paying, or have you historically paid, the real estate taxes on the subject property owned by Clearview Land Development Company? Please list the years for which you have personally paid these taxes.
- 6. If you are not currently paying, or have not historically paid, the real estate taxes on the subject property, please identify the party or parties that are paying or have paid the taxes and the specific years in which each party or parties did so.

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WARREN Assess

ALL TEAT CENTALE tract of parcel of ground, with buildings and improvements thereon erected, Situate in the Township of Darby, County of Delawars, State of Pennsylvania, as shown on the plan for Isider Osterff, made by Damon and Poster, Civil Engineers, Staron Will, Pennsylvania, dated June 24,1957, being beunded and overcribed as follows:

BEGINNING at a point the interpretion of the centerline of 80th Street, as laid out (70 ft.D.S.) wide, with the centerians of Mehens Avenue (80 ft.D.S.) wide, (act open); thence, extending slong the center line of said Dickma. Avenue said centerline being the Darby Township, Delaware County, City of Philadelphia Line. 7.36 degrees 40 minutes 20 seconds 7. 205) ft. (more or less) to a point in the Morthmanterly low water line of said Darby Creek. Meanduring northwestwardly and northest wardly by its various courses and distances, 3404 More or less) to a point; thence, leaving said Darby Creek and extending 8.36 degrees 40 minutes 20 december. W., along the Darby Township-City of Philadelphia Line, (444, 79 ft.more or less U.S.) (443, 79 more or less 0.S.) to a point in the centerline of said 80th Street; thence extending along the centerline of said 80th Street, Said centerline being also the Dasby Township-City of Philadelphia Line, 5.53 degrees 19 minutes 40 seconds 8., (750000 ft. J.S.) (151,44 ft.U.S.) to the first centimed point or place of beginning.

Billing in part the sale premises which Edward Larrerty and Elizabeth R. Laffer ty granted and conveyed to the Delaware Salvage Company, a Pennsylvania Corporation by Deed dited Pehruary 7,1958, which deed is recorded in the Office for the recording of Deeds in and for the County of Delevere Communication of Permayivania in Dand Sock No. 1846, page 315. The said Delawars Salvage Company having filed a Declaration of Trust under date of November, 1, 1957 where in it acknowledged that it half the said premises in trust for Max A. Resemberg. which Declaration is required in the office for regording of Devds in and for Delaware. County PanneyLyania in Deed Book 1882 page 600; Seing also in part presieu-granted and Conveyed by Porrector R. Scott and Mary Louise, his wife to Max A. Recentury by doed dated Aprill 18,1958 recorded in the Office for the recording of Deeds in and for Delawers Countr. Communication of Pennsylvania, Deed Book 1921; page 260; Bulng also in part premises granted __ nad_conversal by Minard A.Minagonery, singlema, to Max. A. Resember g. by _Inval dated. Noweber. 6, 1951 and recorded in Deed Book 1920, page 393; So ing also in purt passions granted and conveyed By Lake Figher and Madia, his wife to the present grantee Clearyiew Land Development. Commeny-by-deed-dated-LV., reserved in the office for the reserving of deeds in and-for Delaware County, Commenwealth of Pennsylvania, deedBOOK, 1894 gags 340, Max. Resember g. one. of ... the present grantors being the legal title helder to a portion of the aferesaid man oned provides and Dalaware Salvage Co. being the other legal title holder other seminds for. the eforementioned precises held me said premises in trust for Clearwiew Land Development

WARRANT and favour DEFENE CALED AND DELIVERED ed the day of the date of the above Indenture of the above named grantee, Glearview Land Dovelopment Company. Witness: Mex A. Rosenberg Ploca M. Semburg.

Minnie Rosenberg Melvin Pischmann

President Delevere Selvage Co. (SKAL) Cortain Plachman

Secretary Delayere Selvege Co . ON THE 18th day of June Anne Comini 1958 before me the subscriber A Notary Public personally appeared the above named Max A. Rosenberg And Pinnie Resemberg, his wife and is due form of law acknowledged the above or foregoing INCETURE to be their and of their act and deed, and nestred the same may be recorded as such,

Witness or hand and nuterial seal the day and year aforesaid.

Plora M. Soube eg (SMAL) 19tes 12814 emptres :1/2/50

ENMOY SALTE PROTECTION . SS :

On the 13th day of June, 1958 before me, the subscriber, a Wotary Public for the Com wealth of Pommerlyania, residing in Philadelphia, personally appeared Coring Pischman, Secretary of the said Delaware Salvage Co. (a Pennsylvania corporation)who being duly sworn. according to law.gars_that he was pursumally present at the execution of the above Interture, and saw the gomes or Corposate Seal of the said Corporation; that the said Importure. was duly sealed and delivered by Nelvin Pichana, President of the said Corferation, as and for the set and deed of the said Corporation for the uses and purposes therein mentioned, and that the name of this depends as Socretary and of Molvin Fights. as president of the said Corporation successful to the above Industries in attentation of its dur execution and delivery, are of their and each of their respective handwritings.

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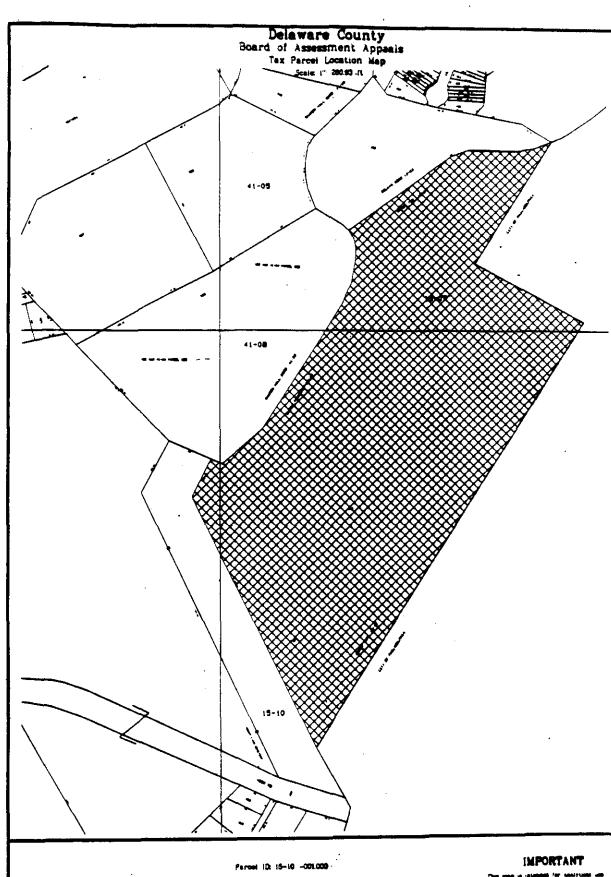
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1 of 1 DOCUMENT

*** THIS DATA IS INFORMATIONAL, AND ANY CERTIFIED COPIES MUST BE OBTAINED FROM THE PENNSYLVANIA DEPARTMENT OF STATE. ***

PENNSYLVANIA DEPARTMENT OF STATE, CORPORATE/LTD PARTNERSHIP RECORD

NAME: CLEARVIEW LAND DEVELOPMENT COMPANY

TYPE: INCORPORATED BUSINESS

STATUS: IN GOOD STANDING (ACTIVE)

DURATION: PERPETUA

DATE OF INCORPORATION/QUALIFICATION: 01/13/1958

STATE: PENNSYLVANIA

REGISTERED OFFICE: 1606 ROSE GLEN RD

HAVERTOWN, PA 00000-0000

DELAWARE COUNTY

PURPOSE: BROAD

NUMBER: 0069682

COMMENTS: STOCK

HISTORY:

MICROFILM

ROLL START/END DATE TRANSACTION 0006504 0555/0557

01/20/1965 AMENDMENT - BUSINESS

06/29/1964 CHANGE OF REGISTERED OFFICE 0006418 0642/0642

COMMENTS: 1606 ROSE GLEN ROAD, HAVERTOWN, PA.

0005802 1229/1231 01/13/1958 ARTICLES OF INCORPORATION - BUSINESS

CALL LEXIS DOCUMENT SERVICES FOR ALL YOUR CORPORATE NEEDS. 800-634-9738

	U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)				
7707					
2484	Postage Certified Fee	\$			
0025	Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)		Here		
5년 1	Total Postage & Fees	S Storage Stript Closelle)	To be a smalled by aller		
6	Parbara Shapiro				
Street, Apt. No.; or PO Box No. 4371 Heacia Circle City, State, 219+4 Pomoano Beach, FL 33066 PS Form 3800, February 2000 See Reverse for Instructions					